

# **MINUTES**

## **289th Meeting Contractors' Registration and Licensing Board February 12, 2014**

**The meeting began with the pledge of allegiance to the flag of the United States of America led by a member of the Board.**

**(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:45 PM.**

**(B) Approval of the agenda and order of business was accepted on a motion by Mr. Eric Wishart and seconded by Mr. David Caldwell.**

**(C) The minutes of the 288th meeting were approved; on a motion by Mr. Arthur Salisbury and seconded by Mr. David Caldwell.**

**(D) Court Case Update: The court update was tabled until the March 12th meeting.**

**(E) Review of Pending Issues with the Building Officials Association:**

**1.) The Building Officials were represented by Mr. Brad Ward who expressed concerns over the affidavit regarding owner occupied properties and**

the possibility of

putting a deed restriction on the property. This will be discussed further at the

Building Officials meeting and possible legislation could be submitted to achieve this

Objective this year.

## **(F) Consideration of Cases on Appeal and Oral Argument:**

### **APPEALS and MOTIONS:**

1. 12:40 PM: Matter of Claim #8056, James McCrystal vs. KMT Property Maint. Inc., Sandra Sanchez, Registration #35607, matter being appealed by the Respondent, with exceptions filed. This matter at the request of legal counsel for the Respondent was put on the schedule for next months meeting due to a court conflict. This matter will be scheduled for the March 12, 2014 Board meeting.

2. 1 :00 PM: Matter of Violation #9540 file, #1, The Respondent filed exceptions in regard to action against registration #32761, Rest. Serv. of NE first Res., Charles Fuller. The attorney, Ralph Ryan, representing the Respondent in the matter of Sandra Sanchez, called the office just prior to the appeal hearing on this matter to request a continuance in regard to this case. Mr. Lanni, the investigator of this matter, talked to the attorney and told him he would try to get additional time, if he needed it, to show for today's appeal. Mr. Lanni

after being sworn, presented to the Board the circumstances of this case and explained that Mr. Bellotti, who was not part of the company was in the hospital and that is why he was requesting the continuance. The Board reviewed this matter further and decided on a motion by Ed Ladouceur and second by Bill Nash to deny this request for a continuance. Additionally; the matter was heard by the Board and the file reviewed and discussed. A motion was made by the Chair, Felix Carlone, to modify the decision as to the sections of law cited to reflect 5-65-10 and 5-65-12 a (2); instead of 5-65-3. A second was made by Ed Ladouceur and the motion called by the chair; the motion passed unanimously.

3. 1:20 PM: Matter of Claim #8107, Gallo vs. Eric Alden, Alden Painting, Registration #33432, exceptions filed by the Respondent. The homeowner was present and the contractor, who had been present but left just prior to the appeal being heard without providing any explanation; based on sworn testimony from the Claimants. The Board listened to the testimony of the Claimants and reviewed the file. Upon review a motion was made by Ed Ladouceur to modify the decision of the hearing officer to include additional fines for hiring three unregistered contractors and not including a right of rescission clause or a mechanic lien notice in the contract: for a total amount of \$15,000.00; \$5,000.00 for each of the three additional offenses. If the contractor pays the homeowner, fines will be reduced by 75%. A second was rendered by Felix Carlone and the chair called for the motion, which passed unanimously.

**4. 1:30 PM: Matter of Claim #8044, Lawton vs Soto Jr., Eddy Soto Construction Registration #17516, exceptions filed by Homeowner. Both parties were in attendance and the exceptions filed by the Homeowner were heard. She presented her concerns and exceptions to the Board who reviewed the file and asked several questions. She felt that she was not allowed to present all her evidence at the hearing and the stipulated order entered was not clear to her. Mr. Soto presented his side and expressed concerns that he only did what the homeowner told him to do and that the work had been inspected by the third party involved in this claim. Board members were concerned that the contract may not have been fulfilled as written and on a motion by Ed Ladouceur and second by Eric Wishart the matter was remanded back for a new hearing with all the members voted in favor except Robert Cardoza who voted against sending the matter back.**

#### **EXPUNGEMENTS:**

**1. 1:40 PM: Request from Michael Maguire, The Handyman Can, LLC., registration #27552, to expunge File # 9486 #1, Insurance Cancellation. This matter was heard by the Board and after many questions and much discussion the Board on a Motion by Felix Carlone and second by Eric Wishart, the violation was expunged unanimously.**

**2. 1:45 PM: Request from Bryan Menge, Core Carpentry Construction, LLC., to expunge claim #6188 and violation #2745. The matter was heard by the Board. The Respondent explained the claim and the violation to the members. After some discussion a motion was made by Tom Furey and second by David Caldwell to remove both of these items from the record. The motion was called by the Chair and unanimously passed.**

**3. 1:50 PM: Request from Barta Construction, LLC., Craig Barta, Registration #719, to expunge File # 1303 #1 & 2, Insurance Cancellations in 1994 and 2002. The Respondent was present and presented his reasons for his request to expunge the record. After several questions from members of the Board a motion was made by Tom Furey and seconded by David Caldwell to expunge record. Motion passed with only one member, Ed Ladouceur, voting to deny request.**

**1. 1:55 PM: ACTION TO BE TAKEN BY BOARD:**

**To pursue an injunction against Contractor Registration # 30,340, Eric Boisse, and Richard Froais Registration #25,286. Mr. Lanni presented these cases and concerns to**

**the Board and a review of the files was conducted. The Board on a**

**motion by Michael Fox and second by David Caldwell**

**requested that the appropriate action be taken by the**

**Attorney Generals Office. This motion passed**

**unanimously.**

**(G) Report of the Executive Director and Staff:**

**(1) Statistics Report: 2/12/2014**

**Registrations:**

**Number of Registered Contractors 11090**

**Number of Cards Surrendered 6491 Number of Cards**

**Expired/Lapsed 17595 Number of Cards Invalidated 1297**

**Number of Cards Suspended 508**

**Number of Cards Revoked 109**

**Registration Actions**

**01/08/2014-2/12/2014**

**Number of New Registered Contractors 74**

**Number of Renewed Contractors 11016**

**Number of Cards Surrendered 43**

**Registrations Invalidated 91**

**Registrations Suspended 5**

**Registrations Revoked 1**

**Claims:**

**Administrative Appeals 3**

**Board Appeals 2**

Address Traces			73
Awaiting Further Action		29	
	Court		
	589		
Disposed		260	
Final Orders	33		
Hearings	34		
Out of State Services	16	Proposed Orders	143
Under Investigation			101
Total Claims Filed with the Board		7765	
Number of New Claims Processed		22	

1/08/2014-2/12/2014

#### Violations:

Action Against Registration	40	
Advertising	7	
Cancelled Insurance		1470
Notice of Hearing	3	
Non-Registered Contractor		
899		
TOTAL RECORDS	2440	

**Number of New Violations        115**

**01/08/2014-2/12/2014**

**Lapsed Registrations/Never Re-Newed:**

**January                                2013**

**36**

**February                              2013**

**34**

**March                                 2013**

**80**

**April                                  2013**

**114**

**May                                    2013**

**100**

**June                                  2013**

**89**

**July                                    2013**

**75**

**August                                2013**

**74**

**September                          2013**

**94**

**October                               2013**

**88**



November	2013
1098	
December	2013
79	
January	2014
114	
February	2014
172	

Month	# Tickets Issued
Fines	

January 2013	4
\$1,200.00	
February 2013	3
\$ 525.00	
March 2013	0
\$ .00	
April 2013	13
\$3,800.00	
May 2013	10
\$2,900.00	
June 2013	7
\$2,000.00	
July 2013	5
\$1,950.00	

August 2013	5
\$2,750.00	
September 2013	9
\$6,995.00	
October 2013	9
\$3,150.00	
November 2013	9
\$4,000.00	
December 2013	2
\$1,500.00	
January 2014	0
\$ .00	
February 2014	3
\$600.00	

#### **Commercial Roofers:**

##### **Number of Registered Roofers**

**133**

**Number of New Registered Contractors      0**

**Number of Renewed Roofer Contractors      133**

**Number of Cards Surrendered      22**

**Number of Expired/Lapsed      72 Registrations Invalidated      1**

**Registrations Suspended      0**

**Registrations Revoked      0**

**(H) Old Business:**

**(1.) Review of regulations, laws and standards, established by sub-committee,**

**report of committees and progress. The Boards attorney has been working with the executive director to get the regulations formulated for the committee to review. This process is ongoing and currently working on rules and regulations for Home Inspectors, Commercial Roofers, and Well & Pump Installers. It was decided by the Board that a special meeting would be held on March 5, 2014 at 12:30 PM to discuss rules and regulations as well as possible changes to law.**

**(I) New Business:**

**(1.) Budget: No changes presented to fiscal office.**

**(2.) Computer Program Update on Progress (DBR), CAVU;  
Appears**

**that we are not proceeding any further at this time and  
changes are**

**being made to our existing system and the numbering  
system will be**

**modified to support new licensing programs. It is still  
possible to tie in to**

**e-permit software and an RFP has been developed and  
should be put out**

**to bid soon.**

**(3) Positions: Still waiting on the position of enforcement aide or another similar position which may cause delays to the new licensing**

**programs. This position has been vacant since March 2013.**

**(4.) Legislation: Preparing for any new items that need to be submitted for this**

**years session and looking for suggestions from Board members.**

**Mechanics**

**Lien Law changes will be reintroduced by the industry which was never**

**acted on last year and several other changes may be necessary due to court**

**decisions rendered this past year.**

**(5.) Education: Still a matter that is pending. NASCLA presentation will be**

**scheduled for the March 5, 2014 Special Board meeting to review the**

**process and try to get this pre-registration education process at least started.**

**(6.) Sub-Committees will need to have meetings to get the rules and regulations**

**approved in a timely fashion.**

**(7.) Adoption of the NHIE (National Home Inspector Examination)  
to be issued by PSI**

**as developed. Motion made by Paul Brunetti, seconded by  
Robert Cardoza to**

**Adopt. Motion called by the chair and unanimously carried.**

**(J) Public Comment: None**

**(K) Announcements: The next Board meeting is a Special Meeting  
scheduled for Wednesday March 5, 2014 at 12:30 P M  
Conference Room “A”, 2nd Floor, One Capitol Hill, Providence,  
R.I.**

**(L) Adjournment: A motion was made by Felix Carlone and  
seconded by Mr.**

**Edgar Ladouceur to adjourn the  
meeting at 3:30 PM.**

**Members Present: Arthur Salisbury, William  
Geddes, Tom Furey,**

**Robert Cardoza, Michael Fox,  
Martin Ezeama,**

**William Nash, Eric Wishart,  
Edgar Ladouceur,**

**Felix Carlone. J.L.Brillion,**

**Paul Brunetti and David Caldwell.**

**Members Absent: Ronald Caniglia and Steve  
Carlino.**

**Others Present: George Whalen (Executive Director),  
attorney, staff, stenographer,  
parties for motions and expungements.**

**Respectfully Submitted,**

**George W. Whalen**

**Executive Director**

**Rhode Island Contractors' Registration and Licensing Board**